



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1652 \$  
PATENT

In re Application of:

DANILO PORRO ET AL.

Serial No.: 10/068,137

Filed: February 6, 2002

For: PROCESSES FOR PRODUCING LACTIC  
ACID USING YEAST TRANSFORMED  
WITH A GENE ENCODING LACTATE  
DEHYDROGENASE

Group Art Unit: 1652

Examiner: Kathleen M. Kerr

Attorney Docket: 2027.547096/RFE  
(2005470)

CUSTOMER NO. 23720

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**CERTIFICATE OF MAILING (37 C.F.R. § 1.8)**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below.

April 19, 2004

*Cynde Meinhardt*  
Cynde Meinhardt

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. §§ 1.97(g),(h), this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be

construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

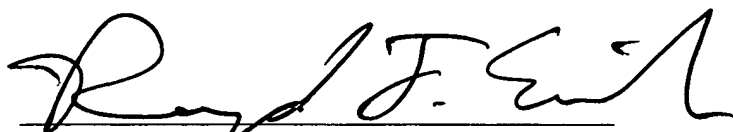
This application is a continuation application of Serial No. 09/508,277, filed March 7, 2000, and is relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with Rule 37 C.F.R. § 1.98(d) only copies of those documents not previously cited and submitted to the Patent and Trademark Office in prior application Serial No. 09/508,277 are enclosed for the convenience of the Examiner.

A fee as set forth in 37 C.F.R. § 1.17(p) in the amount of \$180.00 is enclosed herewith. If an appropriate check has not been enclosed, or if it is insufficient, the Director is hereby authorized to deduct said fee from Williams, Morgan & Amerson, P.C., Deposit Account No. 50-0786/2027.547096RFE.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.  
CUSTOMER NO. 23720

A handwritten signature in black ink, appearing to read "Raymund F. Eichen", is written over a horizontal line.

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AGENT FOR APPLICANTS

April 19, 2004

Form PTO-1449 (modified)

Atty. Docket No.  
2027.547096/RFESerial No.  
10/068,137

List of Patents and Publications for Applicant's

Applicants  
Danilo Porro et al.

## INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Filing Date:  
February 6, 2002Group:  
1652U.S. Patent Documents  
*See Page 1*Foreign Patent Documents  
*See Page 1*Other Art  
*See Page 2*

## U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A2	2,024,565	12/17/35	Braun	260	119	
	A3	4,885,247	12/05/89	Datta	435	139	
	A4	5,068,418	11/26/91	Kulphathipanja <i>et al.</i>	562	580	
	A5	5,464,760	11/07/95	Tsai <i>et al.</i>	435	139	
	A6	5,503,750	04/02/96	Russo, Jr. <i>et al.</i>	210	641	
	A7	5,510,526	04/23/96	Baniel <i>et al.</i>	562	580	
	A8	5,574,180	11/12/96	McQuigg <i>et al.</i>	558	147	
	A9	5,641,406	06/24/97	Sarhaddar <i>et al.</i>	210	656	
	A10	5,780,678	07/14/98	Baniel <i>et al.</i>	562	580	
	A11	5,892,109	04/06/99	Baniel <i>et al.</i>	562	580	
	A12	5,959,144	09/28/99	Baniel	562	580	
	A13	6,001,255	12/14/99	Eyal <i>et al.</i>	210	638	
	A14	6,087,532	07/11/00	Baniel <i>et al.</i>	562	580	
	A15	6,160,173	12/12/00	Eyal <i>et al.</i>	562	589	
	A16	6,187,951	02/13/01	Baniel <i>et al.</i>	562	580	
	A17	6,229,046	05/08/01	Eyal <i>et al.</i>	562	589	
	A18	6,268,189	07/31/01	Skory	435	139	
	A19	6,280,985	08/28/01	Caboche <i>et al.</i>	435	139	
	A20	6,319,382	11/20/01	Norddahl	204	530	
	A21	6,429,006	08/06/02	Porro <i>et al.</i>	435	254	
	A22	6,475,759	11/05/02	Carlson <i>et al.</i>	435	139	

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EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.



Form PTO-1449 (modified)

List of Patents and Publications for Applicant's

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*See Page 1*Other Art  
*See Page 2*

## U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A23	6,485,947	11/26/02	Rajgarhia <i>et al.</i>	435	139	
	A24	6,489,508	12/03/02	Van Gansbeghe <i>et al.</i>	562	589	
	A25	2003/0228671	12/11/03	Hause <i>et al.</i>	435	161	

## Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B1	WO 99/19503	April 22, 1999	PCT			
	B2	WO 99/14335	March 25, 1999	PCT			
	B3	WO 01/25180	April 12, 2001	PCT			
	B4	WO 02/42471	May 30, 2002	PCT			
	B5	EP 0 932 593 B1	April 24, 2002	EPO			
	B6	WO 00/71738 A1	Nov. 30, 2000	PCT			
	B7	WO 02/42471 A2	May 30, 2002	PCT			
	B8	WO 03/102152 A2	Dec. 11, 2003	PCT			
	B9	WO 03/102200 A2	Dec. 11, 2003	PCT			
	B10	WO 03/102201 A2	Dec. 11, 2003	PCT			

## Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	Chang <i>et al.</i> , "Homofermentative Production of D- or L-Lactate in Metabolically Engineered <i>Escherichia Coli</i> RR1," <i>Applied Environ. Microbiol.</i> , 65(4):1384-1389, 1999.

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Exam. Init.	Ref. Des.	Citation
	C2	Genga <i>et al.</i> , "Mitochondrial NAD, L-Lactate Dehydrogenase and NAD, D-Lactate Dehydrogenase in the Yeast <i>Saccharomyces Cerevisiae</i> ," <i>Microbiologica</i> , 6(1):1-8, 1983.
	C3	Goffin <i>et al.</i> , "Lactate Dehydrogenase-Independent Lactic Acid Racemization in <i>Lactobacillus Plantarum</i> " (2000)
	C4	Hohmann, "Pyruvate Decarboxylases," <i>In "Yeast Sugar Metabolism"</i> , 11:187-211, 1997.
	C5	Skory, "Isolation and Expression of Lactate Dehydrogenase Genes from <i>Rhizopus Oryzae</i> ," <i>Applied Environ. Microbiol.</i> , 66(6):2343-2348, 2000.
	C6	Skory, "Lactic Acid Production by <i>Saccharomyces Cerevisiae</i> Expressing A <i>Rhizopus Oryzae</i> Lactate Dehydrogenase Gene," <i>J. Ind. Microbiol. Biotechnol.</i> , 30(1):22-27, 2003.
	C7	Zhou <i>et al.</i> , "Production of Optically Pure D-Lactic Acid in Mineral Salts Medium by Metabolically Engineered <i>Escherichia Coli</i> W3110," <i>Applied Environ. Microbiol.</i> , 69(1):399-407, 2003.
	C8	U.S. Application Serial No. 20020004611, filed January 10, 2002.
	C9	U.S. Application Serial No. 20030166179, filed September 4, 2003.
	C10	U.S. Application Serial No. 20030190630, filed October 9, 2003.
	C11	International Search Report for WO 98/15518, dated April 16, 1998.

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